IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5108 of 2007()

CRLMC.1352/2007 of D.C. & SESSIONS COURT, ERNAKULAM
CMP.2942/2007 of ADDL.C.J.M.(E&O),ERNAKULAM
CRIME NO.DRI/CRU/06/07 OF KERALA REGIONAL UNIT, COCHIN

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: PETITIONER/ACCUSED NO.3

N.P.THAFSAL, S/O. LATE K.P.USMAN,
AGED 28 YEARS, GROCERY MERCHANT, 'DAYA MAHAL',
UMMENCHERI POST.

BY ADV. SRI.C.KHALID
SRI.R.O.MUHAMED SHEMEEM

RESPONDENTS: COMPLAINANT & STATE

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1. SENIOR INTELLIGENCE OFFICER,
DIRECTOR OF REVENUE INTELLIGENCE, THAH,
CHALAPURAM, CALICUT-2.

2. COLLECTOR OF CUSTOMS,
COCHIN.

3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5108 of 2007

Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the provisions of the Customs Act. The crux of the allegation is that he was involved in the activity of illicit import of fake currency notes. The petitioner was arrested on 19.06.07. He continues in custody from that date.

2. It is unnecessary for me to advert to the details of the allegations, the data collected or the acceptability of the allegations and the credibility of the data collected. The learned Standing Counsel for the D.R.I submits that the facts are exceptional and the offence is clearly made out. Be that as it may, I need only take note of the fact that admittedly even after elapse of a period of 90 days from the date of his first remand investigation is not complete and final report has not been filed. I am satisfied, in these circumstances, that the petitioner is entitled to and has to be granted bail by default under Section 167(2) Cr.P.C. Appropriate conditions can of course be imposed.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not leave the State of Kerala until further orders without the prior permission of the learned Magistrate;

iv) The petitioner shall surrender his passport, if any, before the learned Magistrate. If he has no passport, an affidavit to that effect shall be filed before the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-